



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,200	02/13/2001	John D. Winter	06950.0167.DVUS02	9100

7590

11/06/2002

Andrea G. Reister  
Howrey Simon Arnold & White, LLP  
1299 Pennsylvania Avenue, N.W.  
Box No. 34  
Washington, DC 20004-2402

EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 11/06/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-11

# Office Action Summary

Application No.

09/781,200

Applicant(s)

Winter et al.

Examiner

Popovics

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 10/17/02 (IDS)

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 122-146 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 122-146 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 9+10

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1724

## DETAILED ACTION

### *Election/Restriction*

1. The election of species requirements have been withdrawn. The Examiner reserves the right to reinstate them.

### *Claim Rejections - 35 USC § 112*

2. Claims 122-146 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 122, it is unclear what minimal conventional components constitute "*a gasification system.*" Failure to specify the minimal components constituting "*a gasification system,*" leaves potential infringers in the dark as to this limitation, and thus, the claims are not seen to comply with the *notice* requirement.

As used in the various claims, the term "*buffer*" is not understood in the context used. Clarification is required.

### *Claim Rejections - 35 USC § 102*

3. Claims 122-123, 126-129 are rejected under 35 U.S.C. 102(b) as being anticipated by Janka et al. (4,701,266).

Janka et al. disclose a lockhopper for use with a gasification system - see column 6, line 42. Regarding claim 128, see column 5, lines 5-35, where the "*liquid collection volume*" is seen

Art Unit: 1724

to constitute a *"buffer."* With respect to claim 129, the *"pressurized reaction vessel"* (col. 4, line 3) is seen to constitute the *"buffer."*

***Claim Rejections - 35 USC § 103***

4. Claims 124-125 and 130-146 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Janka et al. (4,701,266) and AAPA (Applicant's Admitted Prior Art).

AAPA discusses the prior art at pages 1-5 of the instant specification, as well as illustrating it in Fig. 1. Janka et al. do not expressly disclose the use of pressurized gases as a motive force nor a valve at the outlet of the conveying lockhopper. It is submitted that the use of differing pressures and use of "on hand" gases to force the fluid through the system and/or pressurize it, would have been obvious, since this is the manner that conventional systems operate as discussed by AAPA.

***Drawings***

5. Figure One should be designated by a legend such as --**Prior Art**-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. **The objection to the drawings will not be held in abeyance.**

Art Unit: 1724

*Specification*

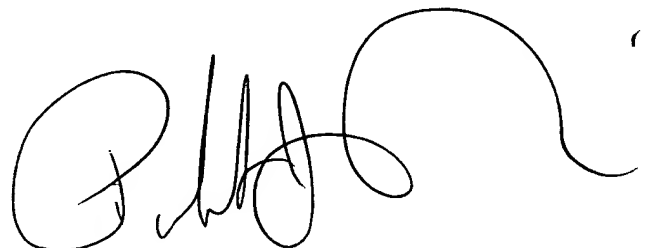
6. The use of the trademarks in this application is again noted. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner R. Popovics whose telephone number is (703) 308-0684.

RJP  
November 4, 2002

A handwritten signature in black ink, appearing to read 'R. Popovics', with a large, sweeping flourish extending to the right.

ROBERT POPOVICS  
PRIMARY EXAMINER